

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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In re: : Chapter 11
: Case No. 23-35368 (CGM)
Aaron Fischman, :
Alleged Debtor. :
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**ORDER GRANTING DEBTOR'S MOTION
AND DISMISSING INVOLUNTARY CASE**

Upon the motion dated June 7, 2023, (the “Motion”) of the above proposed involuntary debtor (the “Debtor”), for an Order pursuant to sections 105(a), 303, 305(a)(1) and 1112(b) of title 11 of the United States Code, 11 U.S.C. § 101-1532 (the “Bankruptcy Code”), Rules 1011 and 2018(a) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 12(b)(6) of the Federal Rules of Civil Procedure (incorporated by reference through Bankruptcy Rule 1011), (i) dismissing the involuntary petition [ECF No. 1] (the “Petition”), filed on May 8, 2023 filed by creditor Ahron Berlin, or, alternatively, abstaining from consideration of the Petition and dismissing this case.; and it appearing that due and sufficient notice of the Motion and the hearing thereon was provided; and there being no opposition to the requested relief; and upon the record of February 22, 2019, a hearing held by the Court on the Motion; and, after due deliberation, it appearing that the petitioning creditor failed to serve the proposed Debtor with a summons or petitio; that the proposed Debtor has timely moved this court to dismiss the petition; and that the creditor has failed to establish that his claim is undisputed; and that the Creditor has failed to show the proposed Debtor has less than 12 creditors; and good and sufficient cause appearing, it is hereby

ORDERED that

1. The Motion is granted.
2. The involuntary petition filed on May 8, 2023 by petitioning creditor Ahron Berlin is dismissed with prejudice;

Dated: Poughkeepsie, New York
_____, 2023

Honorable Cecelia G Morris
United States Bankruptcy Judge
Southern District of New York